

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JAN 29 AM 10:42

08 MJO
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Mario RODRIGUEZ-Chavez,

Defendant

Magistrate Docket No.

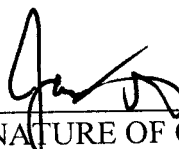
COMPLAINT FOR VIOLATION OF: DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **January 27, 2008** within the Southern District of California, defendant, **Mario RODRIGUEZ-Chavez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

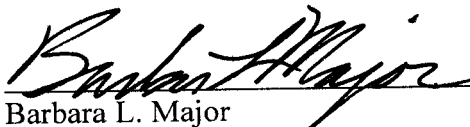
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **29th** DAY OF **JANUARY**
2008



Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Mario RODRIGUEZ-Chavez****PROBABLE CAUSE STATEMENT**

On January 27, 2008, Senior Patrol Agent V. Arguello, was performing line watch duties in an area known as "Hermit's". This area is approximately three miles west of the San Ysidro, California Port of Entry and 400 yards north of the U.S./Mexico International Boundary Fence. At approximately 11:00 a.m., Agent Arguello was notified by Border Patrol Dispatch of a citizen's report, regarding four individuals running northbound from the International Boundary Fence. Agent Arguello arrived in the area and after a brief search of the area, encountered four individuals attempting to hide in brush. Agent Arguello identified himself as a United States Border Patrol Agent and performed an immigration inspection. One subject later identified as defendant **Mario RODRIGUEZ-Chavez** and the other individuals admitted to being citizens and nationals of Mexico, illegally present in the United States without any immigration documents that would allow them to enter or remain legally. All four were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 25, 2008** through **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted to being a citizen and national of Mexico, and that he is present without immigration documents that would allow him to enter or remain in the United States legally. He also stated his intended destination was Los Angeles, California.